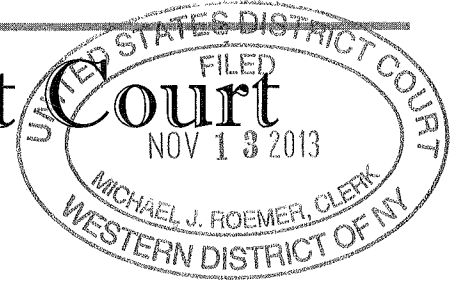


# United States District Court

for the  
Western District of New York



United States of America

v.

Case No. 13-M- 2169

EDDY ANTONIO-VINCENTE

*Defendant*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about November 6, 2013 in the County of Erie, in the Western District of New York, the defendant, an alien who had previously been deported from the United States, was found in the United States without having received the express permission of the Attorney General of the United States or his successor, the Secretary of Homeland Security, to reapply for admission to the United States, and the defendant knowingly possessed a document prescribed by statute or regulation for entry into or as evidence of authorized stay and employment in the United States all in violation of Title 8, United States Code, Section 1326(a) and Title 18 United States Code, Section 1546(a).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

*Complainant's signature*

KYLE HOBART, Deportation Officer  
Department of Homeland Security

*Printed name and title*

Sworn to before me and signed in my presence.

Date: November 13, 2013

1015 AM

*Judge's signature*

City and State: Buffalo, New York

HONORABLE HUGH B. SCOTT  
United States Magistrate Judge

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

STATE OF NEW YORK     )  
COUNTY OF ERIE         )     SS:  
CITY OF BUFFALO         )

Kyle Hobart, being duly sworn, deposes and says that:

1. I am a Deportation Officer with the United States Immigration and Customs Enforcement, hereafter referred to as ICE, and have been so employed for 16 years.

2. As a part of my duties during my employment with ICE, I have investigated violations of the Immigration and Nationality Act and violations of the United States Code, in particular, Title 8, United States Code, Sections 1326(a), regarding the re-entry of a previously removed or deported alien and Title 18, United States Code, Sections 1546(a), regarding the fraud and misuse of visa, permits, and other documents.

3. This affidavit is based upon my own knowledge, my review of official records of Immigration & Customs Enforcement (ICE), and upon information that I obtained from other law enforcement officers involved with this investigation.

4. I make this affidavit in support of the annexed Criminal Complaint charging EDDY ANTONIO-VICENTE with a violation of Title 8, United States Code, Section 1326(a),

regarding the re-entry of a previously removed or deported alien and Title 18, United States Code, Sections 1546(a), regarding the fraud and misuse of visa, permits, and other documents.

5. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation. I have set forth only facts that I believe are necessary to establish probable cause to believe that Title 8, United States Code, Section 1326(a) and Title 18, United States Code, Sections 1546(a), have been violated.

6. On November 6, 2013, the Buffalo Field Office Violent Criminal Alien Section (VCAS) was conducting an enforcement operation in the Batavia, New York area. The target of the operation was EDDY ANTONIO-VICENTE, a citizen of Mexico who was previously removed from the United States. ICE Agents had received information that ANTONIO-VICENTE was residing at 13 Ross Street in Batavia, New York. At approximately 09:05am, ICE Agents witnessed an individual matching the description of ANTONIO-VICENTE, based on photographs from his Alien Registration File, exit 13 Ross Street and walk down Main Street. ICE Agents approached ANTONIO-VICENTE and conducted a consensual encounter. ANTONIO-VICENTE was asked for identification and he presented a Mexican Passport and Cedula in the name Eddy Antonio-Vicente. ANTONIO-VICENTE was taken into ICE custody and during the search incident to arrest, a fraudulent Alien Registration Receipt Card and Social Security Card was located in his wallet. The Alien Registration Receipt Card contained a photograph of the defendant and listed the name Eddy Antonio-Vicente and alien registration number \*\*\*-\*\*\*-676. The Social Security Card listed the name Eddy Antonio-Vicente and social

security number \*\*\*-\*\*-7376. ANTONIO-VICENTE was escorted to the Buffalo Federal Detention Facility for further processing.

7. A complete set of fingerprints were captured from EDDY ANTONIO-VICENTE and was submitted to the Federal Bureau of Investigation, Identification Division, in Clarksburg, West Virginia, via the Integrated Automated Fingerprint Identification System (IAFIS). This set of fingerprints produced a positive biometric match with an Alien Registration Number (A\*\* \*\*\* 419) and an FBI number (\*\*\*\*\*HD9) relating to an EDDY ANTONIO-VICENTE. A review of the documents contained in the Alien Registration file (A-file) for EDDY ANTONIO-VICENTE revealed that the defendant was previously removed from the United States, detailed as follows:

- a) On April 10, 2008, ANTONIO-VICENTE was encountered by the U.S. Border Patrol in Sonoita, Arizona and was granted Voluntary Return. He was returned to Mexico the same day.
- b) On May 18, 2008, ANTONIO-VICENTE was encountered by the U.S. Border Patrol in Douglas, Arizona and was granted Voluntary Return. He was returned to Mexico the same day.
- c) On December 29, 2009, ANTONIO-VICENTE was encountered by ICE in Charlotte, North Carolina. He was granted Voluntary Return Under Safeguards and removed to Mexico on April 24, 2010 at Harlingen, Texas.
- d) On August 4, 2010, ANTONIO-VICENTE was encountered by the U.S. Border Patrol in New Mexico and was granted Voluntary Return. He was returned to Mexico the same day.
- e) On August 10, 2010, ANTONIO-VICENTE was encountered by the U.S. Border Patrol in Nogales, Arizona. He was ordered removed from the United States via an Expedite Removal Order on that same date. On August 11, 2010, ANTONIO-VICENTE was removed from the United States at Tucson, Arizona. He was provided with Immigration Form I-296, advising him that he would be in violation of Title 8 United States

Code 1326, if he entered, attempted to enter, or was found in the United States without the permission of the United States Attorney General or his Successor, the Secretary of Homeland Security.

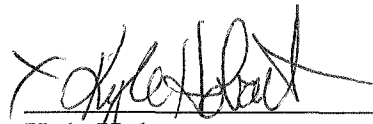
8. According to Department of Homeland Security record checks, Alien Registration number A\*\*\* \*\* 676, that was listed on the fraudulent Alien Registration Receipt Card, is a valid number not assigned to the defendant, Eddy ANTONIO-VICENTE.

9. According to record checks conducted with the Social Security Administration-Office of Inspector General, Social Security number \*\*\*-\*\*-7376 has not been assigned to the defendant, Eddy ANTONIO-VICENTE.

10. Based on the above referenced immigration record checks; EDDY ANTONIO-VICENTE has no valid immigration status in the United States and is illegally present. In addition, there is no evidence of any authorization or approval from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, for EDDY ANTONIO-VICENTE to have re-entered the United States after his last removal.

WHEREFORE, it is respectfully submitted that probable cause exists to believe that EDDY ANTONIO-VICENTE did commit the offense of re-entry after deportation or removal, in violation of Title 8 United States Code 1326(a). Specifically, EDDY ANTONIO-VICENTE, a citizen and native of Mexico, having been ordered removed from the United States on August 10, 2010 and having been physically removed from the United States on August 11, 2010, was thereafter found present in the Western District of New York on November 6, 2013 without

prior authorization or approval from the Attorney General of the United States or Secretary of the Department of Homeland Security. In addition, it is respectfully submitted that probable cause exists to believe that EDDY ANTONIO-VICENTE did commit the offense of fraud and misuse of visa, permits, and other documents, in violation of Title 8, United States Code, Section 1546(a). Specifically, EDDY ANTONIO-VICENTE was found in possession of a fraudulent Alien Registration Receipt Card and Social Security Card in the Western District of New York on November 6, 2013.



Kyle Hobart  
Deportation Officer  
Immigration and Customs Enforcement

Sworn to before me this 13<sup>th</sup> day of  
November, 2013



HUGH B. SCOTT  
United States Magistrate Judge

10:15 AM